10/11/23 • COVID › NEWS

CHD Attorneys Head to Appeals Court to Stop 'Dangerous' COVID Vaccines for Children

Attorneys for Children's Health Defense (CHD) are set to argue in January in the 5th U.S. Circuit Court of Appeals that a lower court erred in dismissing a CHD lawsuit to stop the U.S. Food and Drug Administration's Emergency Use Authorization for childhood COVID-19 vaccines.

By Mike Capuzzo

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On Jan. 8, 2024, nearly two years after Children's Health Defense (CHD) sued the U.S. Food and Drug Administration (FDA) over the agency's authorization of COVID-19 vaccines for children, CHD attorneys will be in court to argue that the lawsuit should be allowed to go forward.

CHD attorneys will ask the New Orleans-based 5th U.S. Circuit Court of Appeals to reverse the decision by a lower federal court, the U.S. District Court for the Western District of Texas, which in November 2022 dismissed the amended lawsuit brought by CHD and five parents on grounds the plaintiffs lacked standing to sue the FDA.

CHD filed an appeal in the 5th Circuit in May 2023.

"We're excited to have our day in court and have counsel for CHD and the other plaintiffs" make the case "that we have standing to sue the FDA and that the FDA violated the Administrative Procedures Act (APA) in approving these vaccines for young children," said CHD Acting General Counsel Kim Mack Rosenberg.

Robert Barnes, attorney of record in the case, filed the appeal against the FDA and FDA Commissioner Robert M. Califf on behalf of CHD and five parents — Deborah L. Else, Sacha Dietrich, Aimee Villella McBride, Jonathan Shour and Rebecca Shour.

The plaintiffs alleged a variety of risks to their children from COVID-19 vaccines including severe adverse reactions and "the unrelenting and looming threat of being pushed out of society" by "the culture of mass vaccination and medical mandates."

The appeal accuses the FDA of "misuse and misappropriation of emergency powers to market an unsafe, dangerous biologic to little children in order to deny them informed consent. The Constitution intended courts to address precise

The CHD Bus FOLLOW THE BUS

Rosenberg, quoting from the appeal, said the case goes to the heart of a fundamental question:

> "When it comes to mandated vaccines, is the FDA above the law? The District Court, by its decision dismissing the complaint, answered that question in the affirmative.
>
> "The District Court decision opens the door to FDA continuing essentially unchecked misuse of its emergency powers to push dangerous products on some of the most vulnerable members of society: infants and young children."

CHD lawyers will argue the merits of three main points, Rosenberg said, to rebut the lower court dismissal: whether the individual plaintiffs have standing to sue the FDA, whether the plaintiffs suffered an injury "in fact'" and whether CHD has standing as an institutional plaintiff.

The overarching question in the case, whether the FDA is "above the law," is "a question for other agencies as well, and in a lot of the litigation in which CHD is involved," Rosenberg said.

"We're really asking fundamentally what role does the government writ large have in what has happened in the last three years in the pandemic?"

CHD has been committed since the outset of the COVID-19 vaccine rollout to stop authorization of the vaccines for children.

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On May 16, 2021, CHD President and then-General Counsel Mary Holland filed a Citizen Petition to then-FDA Acting Commissioner Janet Woodcock, on behalf of Dr. Meryl Nass, CHD scientific advisory board member, and Robert F. Kennedy Jr., then-board chair and chief litigation counsel, requesting "the FDA revoke Emergency Use Authorizations for existing COVID vaccines and refrain from approving and licensing them."

"The current risks of serious adverse events or deaths outweigh the benefits," Nass and Kennedy wrote, "and … existing, approved drugs provide highly effective prophylaxis and treatment against COVID, mooting the EUAs."

The FDA denied CHD's petition in a 52-page decision on Aug. 23, 2021. CHD sued the FDA on Jan. 24, 2022.

On July 1, 2022, CHD and parents Else and Dietrich, who said their children were threatened by possible mRNA vaccination, filed an amended complaint alleging the FDA violated the Administrative Procedure Act.

The amended complaint alleged the FDA "abused its emergency powers, eliminated the notice-and-comment process, ignored citizen petitions," and "abandoned traditional safety mechanisms for assessing drugs" to "push dangerous biologics on minors, mislabel and misbrand them to the public, with the express knowledge that their mislabeling would lead to them being coerced on children and infants as young as 6 months old."

In the complaint, Else, a resident of Bell County, Texas, pharmacist and CDH member, and Dietrich, also a resident of Bell County, said their children were "at imminent risk of immediate harm from this Emergency Use Authorization (EUA) biologic, including but not limited to coercion and pressure to receive the biologic, impending mandates, severe adverse reactions should they receive the drug, and immunization without parental informed consent."

The Defender on occasion posts content related to Children's Health Defense's nonprofit mission that features Mr. Kennedy's views on the issues CHD and The Defender regularly cover. In keeping with Federal Election Commission rules, this content does not represent an endorsement of Mr. Kennedy who is on leave from CHD and is running as an independent for president of the U.S.

SUGGEST A CORRECTION

Mike Capuzzo
Mike Capuzzo is the managing editor of The Defender. He is a former prize-winning reporter for The Philadelphia Inquirer and The Miami Herald, a science writer, and a regional magazine founding editor and publisher who has won more than 200 journalism awards as a writer, editor and publisher.

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Best Newest Oldest

P

PonyBoy

4 days ago

Fight on CHD!

Our children are the future for humanity. We must fight for their health against the governments that would instill them with chronic illness from their vaccines.

13 0 Reply • Share ›

R

Ricky Ricardo

4 days ago

They should stop ALL "covid" nanobot shots - period! From the very beginning of this PsyOps, these were Crimes Against Humanity...that has NOT changed! Every person who is promoting these criminal acts, is evil personified!

10 0 Reply • Share ›

Gary Brown

4 days ago

October 9, 2023 Brain Cancer Glioblastoma: Large Tumors, Not Responding to Treatments, Recurrence that's More Aggressive

Key Features of COVID-19 mRNA Vaccine Turbo Brain Cancers. 16 new tragic cases.

https://www.globalresearch....

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R

Ricky Ricardo → Gary Brown

4 days ago

Thanks, Gary. It infuriates me to see all of this senseless death and destruction! I think you and I both know that the worst is yet to come. Canadian Pharmacists are now pushing the covid and flu shots - together! The unrelenting evil is astounding!!!

9 0 Reply • Share ›

Gary Brown → Ricky Ricardo

4 days ago

This is just the tip of the iceberg so to speak friend.

Sep 30, 2023 WHO new Pandemic Treaty is TERRIFYING and almost here

Last week world leaders moved closer to a Pandemic Treaty that would hand sovereign power to the unelected World Health Organization. This is the treaty

sovereign power to the unelected World Health Organization. This is the treaty we've been warning about. It will give the WHO the power to supersede your country's government and their laws about pandemic rules and allow the WHO to set their own.

see more

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R

Ricky Ricardo Gary Brown

3 days ago

I have that slide and many more, Gary. Conflicts of interest are EVERYWHERE! As I've stated many times...If it's evil, you can be sure that billy boy is a part of it - if not orchestrating it! They're one big happy, evil family. I'm subscribed to Redacted. I have many of their videos in my collection. Although the WHO, WEF and UN have distinct agendas - they are all working together to take over this entire civilization. I've tried explaining this to countless people. They don't want to hear it. They simply want to continue living in whatever delusion they're in.

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Jacek R Gary Brown

4 days ago edited

Gary and Ricky, the Bill and Melinda Gates foundation is one of the primary funders of the WHO. In certain parts of India, Bill Gates is wanted for questioning in the murder of an Indian government official's daughter. This is in relation to the Covid shot.
https://vaccineimpact.com/2...

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Peter van der Stam → Gary Brown

2 days ago

Why not the Gates to Hell ???

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stevor

4 days ago edited

can we then put fauci, gates, walensky, and the rest on trial for Crimes Against Humanity (homicides)?

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CastleConnell

5 hours ago

We are shooting kids with shots containing SV40 plasmids, DNA, mRNA to make toxic spike proteins that migrate all over their bodies, inflammatory lipid nano particles, denying them the chance of developing natural immunity which is superior for an illness that will almost certainly not only not kill them, but only produce mild symptoms. Why are parents so asleep as to allow their children to be experimented upon. Is it enough of an excuse to say the media said its safe, so that is all we need to know' I don't think so.

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irishtap

3 days ago

We need to acknowledge this fight is with the pharmaceutical industry, which, thanks to RFK Jr, we know has captured the FDA. These people are not unlike cockroaches and will scatter into dark spaces until the danger is gone, only to return again and again. I feel we're at war, though undeclared and 'for now' under the radar with most people, we are most certainly in battle against an amoral menace. Please donate what you can to the war effort, this clear and present danger to our society demands we do our part. God bless.

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